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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Reuben Q. Zielinski et al.
TITLE : COMPUTER CONTROLLED POSITIONING DEVICE
APPLICATION NO. : 10/628,972
FILED : July 28, 2003
CONFIRMATION NO. : 7122
EXAMINER : Lerner, Avraham H.
ART UNIT : 3611
LAST OFFICE ACTION : June 14, 2005
ATTORNEY DOCKET NO. : ZIEL 2 00001

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants hereby appeal to the Board from a decision of the primary Examiner mailed June 14, 2005 finally rejecting claims 22-31 and withdrawing claims 32-41.

The items checked below are appropriate:

1. **STATUS OF APPLICANT**

This application is on behalf of a small entity.

2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

other than a small entity \$250.00

12/16/2005	ZJUHAR1	00000043 10628972	250.00	OP
01	FC:2401			
12/16/2005	ZJUHAR1	00000043 10628972	510.00	OP
02	FC:2253			

3. EXTENSION OF TERM

Applicant(s) hereby petition(s) the Commissioner under 37 C.F.R. §1.136(a) for a three-month extension of time up to and including December 14, 2005 in which to file the accompanying Notice of Appeal. Payment for the filing of this Notice of Appeal and any appropriate extension of time fees are authorized to be charged to a Credit Card. The appropriate form PTO-2038 is enclosed for this purpose. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.

4. TOTAL FEES DUE

The total fee due is:

Notice of Appeal Fee:	<u>\$250.00</u>
Extension of Time Fee:	<u>\$510.00</u>

5. METHOD OF PAYMENT

The fees indicated above are authorized to be charged to a credit card.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

Dec. 14th 2005
Date

Mark S. Svat, Reg. No. 34,261
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216-861-5582

CERTIFICATE OF MAILING

I certify that this Notice Of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences is being

deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

transmitted via facsimile under 37 C.F.R. § 1.8 on the date indicated below.

deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.: EV 690735622 US	Signature
Date December 14, 2005	Printed Name Karen M. Forsyth